



January 26, 2007

HOUSE BILL No. 1425

DIGEST OF HB 1425 (Updated January 26, 2007 9:25 am - DI 96)

Citations Affected: IC 9-13; IC 9-21; IC 9-22; IC 9-29.

Synopsis: Various vehicle matters. Provides that a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of certain seasonal crops to the first point of processing for certain periods in a registration year. Revises the definition of "motor vehicle" for purposes of persons required to be licensed to engage in the business of buying or selling motor vehicles and their unfair practices to include semitrailers. Revises language concerning certain procedures to be used by a public agency or towing service concerning notice of an abandoned vehicle. Makes a conforming amendment. Corrects an internal cross-reference.

Effective: Upon passage; July 1, 2007.

Austin, Grubb, Cherry, Friend

January 16, 2007, read first time and referred to Committee on Roads and Transportation.
January 26, 2007, amended, reported — Do Pass.

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HB 1425—LS 7497/DI 96+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1425

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-105, AS AMENDED BY P.L.210-2005,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 105. (a) "Motor vehicle" means, except as
4 otherwise provided in this section, a vehicle that is self-propelled. The
5 term does not include a farm tractor, an implement of agriculture
6 designed to be operated primarily in a farm field or on farm premises,
7 or an electric personal assistive mobility device.
8 (b) "Motor vehicle", for purposes of IC 9-21, means:
9 (1) a vehicle except a motorized bicycle that is self-propelled; or
10 (2) a vehicle that is propelled by electric power obtained from
11 overhead trolley wires, but not operated upon rails.
12 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,
13 means a vehicle that is self-propelled upon a highway in Indiana. The
14 term does not include a farm tractor.
15 (d) "Motor vehicle", for purposes of IC 9-30-10, does not include a
16 motorized bicycle.
17 (e) **"Motor vehicle", for purposes of IC 9-23-2 and IC 9-23-3,**

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1 **includes a semitrailer.**

2 SECTION 2. IC 9-13-2-179 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. "Towing service"
4 means a **business person** that engages in moving or removing
5 **abandoned or** disabled vehicles and, once **the vehicles are moved or**
6 removed, stores or impounds **the** vehicles.

7 SECTION 3. IC 9-21-21-3, AS ADDED BY P.L.210-2005,
8 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 3. Except as provided in section 4 of this
10 chapter, if the owner of a farm truck, farm trailer, or farm semitrailer
11 and tractor described in section 1 of this chapter begins to operate the
12 farm truck, farm trailer, or farm semitrailer and tractor or permits the
13 farm truck, farm trailer, or farm semitrailer and tractor to be operated:

14 (1) in the conduct of a commercial enterprise; or

15 (2) for the transportation of farm products after the commodities
16 have entered the channels of commerce during a registration year
17 for which the license fee under IC 9-29-5-13 has been paid;

18 the owner shall pay the amount computed under ~~IC 9-29-5-13.5(c)~~
19 **IC 9-29-5-13.5(b)** due for the remainder of the registration year for the
20 license fee.

21 SECTION 4. IC 9-21-21-4, AS ADDED BY P.L.210-2005,
22 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 4. **(a)** Notwithstanding section 3 of this
24 chapter, **subsection (b)**, and IC 9-18-2-4, ~~the owner of~~ a farm truck,
25 farm trailer, or farm semitrailer and tractor described in section 1 of
26 this chapter ~~or an employee or family member of the owner may~~
27 **operate the truck, trailer, or semitrailer and tractor be operated**
28 intrastate for the transportation of seasonal, perishable fruit or
29 vegetables to the first point of processing for a period of not more than
30 one (1) thirty (30) day period in a registration year established by
31 IC 9-18-2-7. Before a vehicle may be operated as provided in this
32 subsection, the owner shall pay to the bureau:

33 (1) the license fee due under IC 9-29-5-13(b); and

34 (2) eight and one-half percent (8.5%) of the license fee paid under
35 IC 9-29-5-13(b);

36 for the farm truck, farm trailer, or farm semitrailer and tractor. The
37 bureau shall adopt rules under IC 4-22-2 to authorize the operation of
38 a farm truck, farm trailer, or farm semitrailer and tractor in the manner
39 provided in this subsection.

40 **(b) Notwithstanding section 3 of this chapter, subsection (a), and**
41 **IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and**
42 **tractor described in section 1 of this chapter may be operated**

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intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor. The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this subsection.

SECTION 5. IC 9-21-21-5, AS ADDED BY P.L.210-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. In addition to the penalty provided in section 7 of this chapter, **and except as provided in section 4 of this chapter**, a person that operates a vehicle or allows a vehicle that the person owns to be operated when the vehicle is:

(1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and

(2) operated as set forth in section 3 of this chapter;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

SECTION 6. IC 9-22-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing ~~operator~~ **service** shall notify the bureau of all releases under section 8 of this chapter.

SECTION 7. IC 9-22-1-16, AS AMENDED BY P.L.104-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. ~~The towing operator shall do the following:~~

(1) ~~Contact the bureau to obtain the name and address of the person who owns the vehicle.~~

(2) ~~Send, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person~~

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who owns the vehicle. The notice required by this subdivision must be mailed to the person who owns the vehicle according to the records of the bureau not later than five (5) business days after receipt of the information in subdivision (1) from the bureau.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 8. IC 9-22-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A towing ~~operator~~ **who service** that tows a vehicle under section 16 of this chapter shall give notice to the public agency and bureau that the abandoned vehicle is in the possession of the towing ~~operator~~ **service**.

SECTION 9. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage yard or towing service under section 13, 14, or 16 of this chapter, the public agency or towing ~~operator~~ **service** shall **do the following**:

(1) Prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

~~(1)~~ (A) The make.

~~(2)~~ (B) The model.

~~(3)~~ (C) The identification number.

~~(4)~~ (D) The number of the license plate.

(2) **Contact the bureau or conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.**

(b) The public agency or towing ~~operator~~ **service** shall request that the bureau advise the public agency or towing ~~operator~~ **service** of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing ~~operator~~ **service** fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing ~~operator~~ **service**:

(1) may not initially collect more in reimbursement for the costs

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of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) **subject to subsection (d)**, may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

(d) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on the abandoned vehicle under subsection (a)(2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

(1) name;

(2) address; and

(3) telephone number;

of the public agency or towing service. Notwithstanding section 4 of this chapter and subsection (c)(2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a)(2).

(e) A towing service may not collect reimbursement under both subsections (c) and (d) for storage costs incurred during a particular period for one (1) vehicle.

SECTION 10. IC 9-29-5-13.5, AS AMENDED BY P.L.210-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a license fee provided in section 13(b) of this chapter has been paid.

(b) Except as provided in ~~subsection~~ **subsections (d) and (e)**, if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under section 13(b) of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

(1) the license fee paid under section 13(b) of this chapter; reduced by

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(2) ten percent (10%) for each full or partial calendar month that has elapsed in the registration year for which the license fee has been paid.

The credit may not exceed ninety percent (90%) of the license fee paid under section 13(b) of this chapter.

(d) Notwithstanding subsection (b) and IC 9-18-2-4, ~~the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) or an employee or family member of the owner may operate the truck, trailer, or semitrailer and tractor be operated~~ intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by ~~IC 9-21-21-4~~. **IC 9-21-21-4(a).** Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) any license fee due under section 13(b) of this chapter; and
- (2) eight and one-half percent (8.5%) of the license fee paid under section 13(b) of this chapter.

(e) **Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:**

- (1) any license fee due under section 13(b) of this chapter; and**
- (2) seventeen percent (17%) of the license fee paid under section 13(b) of this chapter.**

SECTION 11. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1425, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 9-13-2-179 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. "Towing service" means a ~~business person~~ **person** that engages in moving or removing **abandoned or** disabled vehicles and, once **the vehicles are moved or** removed, stores or impounds **the** vehicles."

Page 2, line 18, after "4." insert "(a)".

Page 2, line 18, after "chapter" insert ", **subsection (b),**".

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor. The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this subsection."

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 6. IC 9-22-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing ~~operator service~~ shall notify the bureau of all releases under section 8 of this chapter.

SECTION 7. IC 9-22-1-16, AS AMENDED BY P.L.104-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls

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the private property may have the vehicle towed from the private property. ~~The towing operator shall do the following:~~

~~(1) Contact the bureau to obtain the name and address of the person who owns the vehicle.~~

~~(2) Send, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be mailed to the person who owns the vehicle according to the records of the bureau not later than five (5) business days after receipt of the information in subdivision (1) from the bureau.~~

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 8. IC 9-22-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A towing ~~operator~~ **who service** that tows a vehicle under section 16 of this chapter shall give notice to the public agency and bureau that the abandoned vehicle is in the possession of the towing ~~operator.~~ **service.**

SECTION 9. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage yard or towing service under section 13, 14, or 16 of this chapter, the public agency or towing ~~operator~~ **service** shall **do the following:**

(1) Prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

~~(1) (A)~~ The make.

~~(2) (B)~~ The model.

~~(3) (C)~~ The identification number.

~~(4) (D)~~ The number of the license plate.

(2) Contact the bureau or conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.

(b) The public agency or towing ~~operator~~ **service** shall request that the bureau advise the public agency or towing ~~operator~~ **service** of the name and most recent address of the person who owns or holds a lien on the vehicle.

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(c) Notwithstanding section 4 of this chapter, if the public agency or towing ~~operator service~~ fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing ~~operator service~~:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) **subject to subsection (d)**, may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

(d) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on the abandoned vehicle under subsection (a)(2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

(1) name;

(2) address; and

(3) telephone number;

of the public agency or towing service. Notwithstanding section 4 of this chapter and subsection (c)(2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a)(2).

(e) A towing service may not collect reimbursement under both subsections (c) and (d) for storage costs incurred during a particular period for one (1) vehicle."

Page 3, line 10, strike "subsection" and insert "**subsections**".

Page 3, line 10, after "(d)" delete "," and insert "**and (e)**".

Page 3, line 34, strike "IC 9-21-21-4." and insert "**IC 9-21-21-4(a)**".

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any license fee due under section 13(b) of this chapter; and

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(2) seventeen percent (17%) of the license fee paid under section 13(b) of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1425 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

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